

REFERENCE TITLE: common school districts; grade nine

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1174

Introduced by
Senator Huppenthal: Representative Biggs

AN ACT

AMENDING SECTIONS 15-901 AND 15-2002, ARIZONA REVISED STATUTES; RELATING TO
SCHOOL FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-901, Arizona Revised Statutes, is amended to
3 read:

4 15-901. Definitions

5 A. In this title, unless the context otherwise requires:

6 1. "Average daily attendance" or "ADA" means actual average daily
7 attendance through the first one hundred days or two hundred days in session,
8 as applicable.

9 2. "Average daily membership" means the total enrollment of fractional
10 students and full-time students, minus withdrawals, of each school day
11 through the first one hundred days or two hundred days in session, as
12 applicable, for the current year. Withdrawals include students formally
13 withdrawn from schools and students absent for ten consecutive school days,
14 except for excused absences as identified by the department of education.
15 For computation purposes, the effective date of withdrawal shall be
16 retroactive to the last day of actual attendance of the student.

17 (a) "Fractional student" means:

18 (i) For common schools, until fiscal year 2001-2002, a preschool child
19 who is enrolled in a program for preschool children with disabilities of at
20 least three hundred sixty minutes each week or a kindergarten student at
21 least five years of age prior to January 1 of the school year and enrolled in
22 a school kindergarten program that meets at least three hundred forty-six
23 instructional hours during the minimum number of days required in a school
24 year as provided in section 15-341. In fiscal year 2001-2002, the
25 kindergarten program shall meet at least three hundred forty-eight hours. In
26 fiscal year 2002-2003, the kindergarten program shall meet at least three
27 hundred fifty hours. In fiscal year 2003-2004, the kindergarten program
28 shall meet at least three hundred fifty-two hours. In fiscal year 2004-2005,
29 the kindergarten program shall meet at least three hundred fifty-four
30 hours. In fiscal year 2005-2006 and each fiscal year thereafter, the
31 kindergarten program shall meet at least three hundred fifty-six hours.
32 Lunch periods and recess periods may not be included as part of the
33 instructional hours unless the child's individualized education program
34 requires instruction during those periods and the specific reasons for such
35 instruction are fully documented. In computing the average daily membership,
36 preschool children with disabilities and kindergarten students shall be
37 counted as one-half of a full-time student. For common schools, a part-time
38 student is a student enrolled for less than the total time for a full-time
39 student as defined in this section. A part-time common school student shall
40 be counted as one-fourth, one-half or three-fourths of a full-time student if
41 the student is enrolled in an instructional program that is at least
42 one-fourth, one-half or three-fourths of the time a full-time student is
43 enrolled as defined in subdivision (b) of this paragraph.

44 (ii) For high schools, a part-time student who is enrolled in less
45 than four subjects that count toward graduation as defined by the state board

1 of education in a recognized high school and who is taught in less than
2 twenty instructional hours per week prorated for any week with fewer than
3 five school days. A part-time high school student shall be counted as
4 one-fourth, one-half or three-fourths of a full-time student if the student
5 is enrolled in an instructional program that is at least one-fourth, one-half
6 or three-fourths of a full-time instructional program as defined in
7 subdivision (c) of this paragraph.

8 (b) "Full-time student" means:

9 (i) For common schools, a student who is at least six years of age
10 prior to January 1 of a school year, who has not graduated from the highest
11 grade taught in the school district and who is regularly enrolled in a course
12 of study required by the state board of education. Until fiscal year
13 2001-2002, first, second and third grade students, ungraded students at least
14 six, but under nine, years of age by September 1 or ungraded group B children
15 with disabilities who are at least five, but under six, years of age by
16 September 1 must be enrolled in an instructional program that meets for a
17 total of at least six hundred ninety-two hours during the minimum number of
18 days required in a school year as provided in section 15-341. In fiscal year
19 2001-2002, the program shall meet at least six hundred ninety-six hours. In
20 fiscal year 2002-2003, the program shall meet at least seven hundred
21 hours. In fiscal year 2003-2004, the program shall meet at least seven
22 hundred four hours. In fiscal year 2004-2005, the program shall meet at
23 least seven hundred eight hours. In fiscal year 2005-2006 and in each fiscal
24 year thereafter, the program shall meet at least seven hundred twelve hours.
25 Until fiscal year 2001-2002, fourth, fifth and sixth grade students or
26 ungraded students at least nine, but under twelve, years of age by September
27 1 must be enrolled in an instructional program that meets for a total of at
28 least eight hundred sixty-five hours during the minimum number of school days
29 required in a school year as provided in section 15-341. In fiscal year
30 2001-2002, the program shall meet at least eight hundred seventy hours. In
31 fiscal year 2002-2003, the program shall meet at least eight hundred
32 seventy-five hours. In fiscal year 2003-2004, the program shall meet at
33 least eight hundred eighty hours. In fiscal year 2004-2005, the program
34 shall meet at least eight hundred eighty-five hours. In fiscal year
35 2005-2006 and each fiscal year thereafter, the program shall meet at least
36 eight hundred ninety hours. Until fiscal year 2001-2002, seventh and eighth
37 grade students or ungraded students at least twelve, but under fourteen,
38 years of age by September 1 must be enrolled in an instructional program that
39 meets for a total of at least one thousand thirty-eight hours during the
40 minimum number of days required in a school year as provided in section
41 15-341. In fiscal year 2001-2002, the program shall meet at least one
42 thousand forty-four hours. In fiscal year 2002-2003, the program shall meet
43 at least one thousand fifty hours. In fiscal year 2003-2004, the program
44 shall meet at least one thousand fifty-six hours. In fiscal year 2004-2005,
45 the program shall meet at least one thousand sixty-two hours. In fiscal year

2005-2006 and each fiscal year thereafter, the program shall meet at least one thousand sixty-eight hours. Lunch periods and recess periods may not be included as part of the instructional hours unless the student is a child with a disability and the child's individualized education program requires instruction during those periods and the specific reasons for such instruction are fully documented.

(ii) For high schools, a student not graduated from the highest grade taught in the school district, or an ungraded student at least fourteen years of age by September 1, and enrolled in at least a full-time instructional program of subjects that count toward graduation as defined by the state board of education in a recognized high school. A full-time student shall not be counted more than once for computation of average daily membership.

(iii) For homebound or hospitalized, a student receiving at least four hours of instruction per week.

(c) "Full-time instructional program" means:

(i) Through fiscal year 2000-2001, at least four subjects, each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(ii) For fiscal year 2001-2002, an instructional program that meets at least a total of seven hundred four hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-two hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(iii) For fiscal year 2002-2003, an instructional program that meets at least a total of seven hundred eight hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-two hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(iv) For fiscal year 2003-2004, an instructional program that meets at least a total of seven hundred twelve hours during the minimum number of days required and includes at least four subjects each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty-three hours a year, or the equivalent, or one or more subjects taught in amounts of time totaling at least twenty hours per week prorated for any week with fewer than five school days.

(v) For fiscal year 2004-2005, an instructional program that meets at least a total of seven hundred sixteen hours during the minimum number of

1 days required and includes at least four subjects each of which, if taught
 2 each school day for the minimum number of days required in a school year,
 3 would meet a minimum of one hundred twenty-three hours a year, or the
 4 equivalent, or one or more subjects taught in amounts of time totaling at
 5 least twenty hours per week prorated for any week with fewer than five school
 6 days.

7 (vi) For fiscal year 2005-2006 and each fiscal year thereafter, an
 8 instructional program that meets at least a total of seven hundred twenty
 9 hours during the minimum number of days required and includes at least four
 10 subjects each of which, if taught each school day for the minimum number of
 11 days required in a school year, would meet a minimum of one hundred
 12 twenty-three hours a year, or the equivalent, or one or more subjects taught
 13 in amounts of time totaling at least twenty hours per week prorated for any
 14 week with fewer than five school days.

15 3. "Budget year" means the fiscal year for which the school district
 16 is budgeting and which immediately follows the current year.

17 4. "Common school district" means a political subdivision of this
 18 state offering instruction to students in programs for preschool children
 19 with disabilities and kindergarten programs and **EITHER:**

20 (a) Grades one through eight.

21 (b) **AFTER AN AFFIRMATIVE VOTE OF A COMMON SCHOOL DISTRICT GOVERNING**
 22 **BOARD, GRADES ONE THROUGH NINE.**

23 5. "Current year" means the fiscal year in which a school district is
 24 operating.

25 6. "Daily attendance" means:

26 (a) For common schools, days in which a pupil:

27 (i) Of a kindergarten program or ungraded, but not group B children
 28 with disabilities, and at least five, but under six, years of age by
 29 September 1 attends at least three-quarters of the instructional time
 30 scheduled for the day. If the total instruction time scheduled for the year
 31 is at least three hundred forty-six hours but is less than six hundred
 32 ninety-two hours such attendance shall be counted as one-half day of
 33 attendance. If the instructional time scheduled for the year is at least six
 34 hundred ninety-two hours, "daily attendance" means days in which a pupil
 35 attends at least one-half of the instructional time scheduled for the
 36 day. Such attendance shall be counted as one-half day of attendance.

37 (ii) Of the first, second or third grades, ungraded and at least six,
 38 but under nine, years of age by September 1 or ungraded group B children with
 39 disabilities and at least five, but under six, years of age by September 1
 40 attends more than three-quarters of the instructional time scheduled for the
 41 day.

42 (iii) Of the fourth, fifth or sixth grades or ungraded and at least
 43 nine, but under twelve, years of age by September 1 attends more than
 44 three-quarters of the instructional time scheduled for the day, except as
 45 provided in section 15-797.

(iv) Of the seventh or eighth grades or ungraded and at least twelve, but under fourteen, years of age by September 1 attends more than three-quarters of the instructional time scheduled for the day, except as provided in section 15-797.

(b) For common schools, the attendance of a pupil at three-quarters or less of the instructional time scheduled for the day shall be counted as follows, except as provided in section 15-797 and except that attendance for a fractional student shall not exceed the pupil's fractional membership:

(i) If attendance for all pupils in the school is based on quarter days, the attendance of a pupil shall be counted as one-fourth of a day's attendance for each one-fourth of full-time instructional time attended.

(ii) If attendance for all pupils in the school is based on half days, the attendance of at least three-quarters of the instructional time scheduled for the day shall be counted as a full day's attendance and attendance at a minimum of one-half but less than three-quarters of the instructional time scheduled for the day equals one-half day of attendance.

(c) For common schools, the attendance of a preschool child with disabilities shall be counted as one-fourth day's attendance for each thirty-six minutes of attendance not including lunch periods and recess periods, except as provided in paragraph 2, subdivision (a), item (i) of this subsection for children with disabilities up to a maximum of three hundred sixty minutes each week.

(d) For high schools or ungraded schools in which the pupil is at least fourteen years of age by September 1, the attendance of a pupil shall not be counted as a full day unless the pupil is actually and physically in attendance and enrolled in and carrying four subjects, each of which, if taught each school day for the minimum number of days required in a school year, would meet a minimum of one hundred twenty hours a year, or the equivalent, that count toward graduation in a recognized high school except as provided in section 15-797 and subdivision (e) of this paragraph. Attendance of a pupil carrying less than the load prescribed shall be prorated.

(e) For high schools or ungraded schools in which the pupil is at least fourteen years of age by September 1, the attendance of a pupil may be counted as one-fourth of a day's attendance for each sixty minutes of instructional time in a subject that counts toward graduation, except that attendance for a pupil shall not exceed the pupil's full or fractional membership.

(f) For homebound or hospitalized, a full day of attendance may be counted for each day during a week in which the student receives at least four hours of instruction.

(g) For school districts which maintain school for an approved year-round school year operation, attendance shall be based on a computation, as prescribed by the superintendent of public instruction, of the one hundred eighty days' equivalency or two hundred days' equivalency, as applicable, of

1 instructional time as approved by the superintendent of public instruction
2 during which each pupil is enrolled.

3 7. "Daily route mileage" means the sum of:

4 (a) The total number of miles driven daily by all buses of a school
5 district while transporting eligible students from their residence to the
6 school of attendance and from the school of attendance to their residence on
7 scheduled routes approved by the superintendent of public instruction.

8 (b) The total number of miles driven daily on routes approved by the
9 superintendent of public instruction for which a private party, a political
10 subdivision or a common or a contract carrier is reimbursed for bringing an
11 eligible student from the place of his residence to a school transportation
12 pickup point or to the school of attendance and from the school
13 transportation scheduled return point or from the school of attendance to his
14 residence. Daily route mileage includes the total number of miles necessary
15 to drive to transport eligible students from and to their residence as
16 provided in this paragraph.

17 8. "District support level" means the base support level plus the
18 transportation support level.

19 9. "Eligible students" means:

20 (a) Students who are transported by or for a school district and who
21 qualify as full-time students or fractional students, except students for
22 whom transportation is paid by another school district or a county school
23 superintendent, and:

24 (i) For common school students, whose place of actual residence within
25 the school district is more than one mile from the school facility of
26 attendance or students who are admitted pursuant to section 15-816.01 and who
27 meet the economic eligibility requirements established under the national
28 school lunch and child nutrition acts (42 United States Code sections 1751
29 through 1785) for free or reduced price lunches and whose actual place of
30 residence outside the school district boundaries is more than one mile from
31 the school facility of attendance.

32 (ii) For high school students, whose place of actual residence within
33 the school district is more than one and one-half miles from the school
34 facility of attendance or students who are admitted pursuant to section
35 15-816.01 and who meet the economic eligibility requirements established
36 under the national school lunch and child nutrition acts (42 United States
37 Code sections 1751 through 1785) for free or reduced price lunches and whose
38 actual place of residence outside the school district boundaries is more than
39 one and one-half miles from the school facility of attendance.

40 (b) Kindergarten students, for purposes of computing the number of
41 eligible students under subdivision (a), item (i) of this paragraph, shall be
42 counted as full-time students, notwithstanding any other provision of law.

43 (c) Children with disabilities, as defined by section 15-761, who are
44 transported by or for the school district or who are admitted pursuant to
45 chapter 8, article 1.1 of this title and who qualify as full-time students or

1 fractional students regardless of location or residence within the school
2 district or children with disabilities whose transportation is required by
3 the pupil's individualized education program.

4 (d) Students whose residence is outside the school district and who
5 are transported within the school district on the same basis as students who
6 reside in the school district.

7 10. "Enrolled" or "enrollment" means when a pupil is currently
8 registered in the school district.

9 11. "GDP price deflator" means the average of the four implicit price
10 deflators for the gross domestic product reported by the United States
11 department of commerce for the four quarters of the calendar year.

12 12. "High school district" means a political subdivision of this state
13 offering instruction to students for grades nine through twelve or that
14 portion of the budget of a common school district which is allocated to
15 teaching high school subjects with permission of the state board of
16 education.

17 13. "Revenue control limit" means the base revenue control limit plus
18 the transportation revenue control limit.

19 14. "Student count" means average daily membership as prescribed in
20 this subsection for the fiscal year prior to the current year, except that
21 for the purpose of budget preparation student count means average daily
22 membership as prescribed in this subsection for the current year.

23 15. "Submit electronically" means submitted in a format and in a manner
24 prescribed by the department of education.

25 16. "Total bus mileage" means the total number of miles driven by all
26 buses of a school district during the school year.

27 17. "Total students transported" means all eligible students
28 transported from their place of residence to a school transportation pickup
29 point or to the school of attendance and from the school of attendance or
30 from the school transportation scheduled return point to their place of
31 residence.

32 18. "Unified school district" means a political subdivision of the
33 state offering instruction to students in programs for preschool children
34 with disabilities and kindergarten programs and grades one through twelve.

35 B. In this title, unless the context otherwise requires:

36 1. "Base" means the revenue level per student count specified by the
37 legislature.

38 2. "Base level" means:

39 (a) For fiscal year 2004-2005, two thousand eight hundred ninety-three
40 dollars eighteen cents.

41 (b) For fiscal year 2005-2006, three thousand one dollars.

42 3. "Base revenue control limit" means the base revenue control limit
43 computed as provided in section 15-944.

44 4. "Base support level" means the base support level as provided in
45 section 15-943.

5. "Certified teacher" means a person who is certified as a teacher pursuant to the rules adopted by the state board of education, who renders direct and personal services to school children in the form of instruction related to the school district's educational course of study and who is paid from the maintenance and operation section of the budget.

6. "ED, MIMR, SLD, SLI and OHI" means programs for children with emotional disabilities, mild mental retardation, a specific learning disability, a speech/language impairment and other health impairments.

7. "ED-P" means programs for children with emotional disabilities who are enrolled in private special education programs as prescribed in section 15-765, subsection D, paragraph 1 or in an intensive school district program as provided in section 15-765, subsection D, paragraph 2.

8. "ELL" means English learners who do not speak English or whose native language is not English, who are not currently able to perform ordinary classroom work in English and who are enrolled in an English language education program pursuant to sections 15-751, 15-752 and 15-753.

9. "Full-time equivalent certified teacher" or "FTE certified teacher" means for a certified teacher the following:

(a) If employed full time as defined in section 15-501, 1.00.

(b) If employed less than full time, multiply 1.00 by the percentage of a full school day, or its equivalent, or a full class load, or its equivalent, for which the teacher is employed as determined by the governing board.

10. "Group A" means educational programs for career exploration, a specific learning disability, an emotional disability, mild mental retardation, remedial education, a speech/language impairment, homebound, bilingual, preschool moderate delay, preschool speech/language delay, other health impairments and gifted pupils.

11. "Group B" means educational improvements for pupils in kindergarten programs and grades one through three, educational programs for autism, a hearing impairment, moderate mental retardation, multiple disabilities, multiple disabilities with severe sensory impairment, orthopedic impairments, preschool severe delay, severe mental retardation and emotional disabilities for school age pupils enrolled in private special education programs or in school district programs for children with severe disabilities or visual impairment and English learners enrolled in a program to promote English language proficiency pursuant to section 15-752.

12. "HI" means programs for pupils with hearing impairment.

13. "Homebound" or "hospitalized" means a pupil who is capable of profiting from academic instruction but is unable to attend school due to illness, disease, accident or other health conditions, who has been examined by a competent medical doctor and who is certified by that doctor as being unable to attend regular classes for a period of not less than three school months or a pupil who is capable of profiting from academic instruction but is unable to attend school regularly due to chronic or acute health problems,

1 who has been examined by a competent medical doctor and who is certified by
 2 that doctor as being unable to attend regular classes for intermittent
 3 periods of time totaling three school months during a school year. The
 4 medical certification shall state the general medical condition, such as
 5 illness, disease or chronic health condition, that is the reason that the
 6 pupil is unable to attend school. Homebound or hospitalized includes a
 7 student who is unable to attend school for a period of less than three months
 8 due to a pregnancy if a competent medical doctor, after an examination,
 9 certifies that the student is unable to attend regular classes due to risk to
 10 the pregnancy or to the student's health.

11 14. "K-3" means kindergarten programs and grades one through three.

12 15. "MD-R, A-R and SMR-R" means resource programs for pupils with
 13 multiple disabilities, autism and severe mental retardation.

14 16. "MD-SC, A-SC and SMR-SC" means self-contained programs for pupils
 15 with multiple disabilities, autism and severe mental retardation.

16 17. "MDSSI" means a program for pupils with multiple disabilities with
 17 severe sensory impairment.

18 18. "MOMR" means programs for pupils with moderate mental retardation.

19 19. "OI-R" means a resource program for pupils with orthopedic
 20 impairments.

21 20. "OI-SC" means a self-contained program for pupils with orthopedic
 22 impairments.

23 21. "PSD" means preschool programs for children with disabilities as
 24 provided in section 15-771.

25 22. "P-SD" means programs for children who meet the definition of
 26 preschool severe delay as provided in section 15-771.

27 23. "Qualifying tax rate" means the qualifying tax rate specified in
 28 section 15-971 applied to the assessed valuation used for primary property
 29 taxes.

30 24. "Small isolated school district" means a school district which
 31 meets all of the following:

32 (a) Has a student count of fewer than six hundred in kindergarten
 33 programs and grades one through eight or grades nine through twelve.

34 (b) Contains no school which is fewer than thirty miles by the most
 35 reasonable route from another school, or, if road conditions and terrain make
 36 the driving slow or hazardous, fifteen miles from another school which
 37 teaches one or more of the same grades and is operated by another school
 38 district in this state.

39 (c) Is designated as a small isolated school district by the
 40 superintendent of public instruction.

41 25. "Small school district" means a school district which meets all of
 42 the following:

43 (a) Has a student count of fewer than six hundred in kindergarten
 44 programs and grades one through eight or grades nine through twelve.

1 (b) Contains at least one school which is fewer than thirty miles by
2 the most reasonable route from another school which teaches one or more of
3 the same grades and is operated by another school district in this state.

4 (c) Is designated as a small school district by the superintendent of
5 public instruction.

6 26. "Transportation revenue control limit" means the transportation
7 revenue control limit computed as prescribed in section 15-946.

8 27. "Transportation support level" means the support level for pupil
9 transportation operating expenses as provided in section 15-945.

10 28. "VI" means programs for pupils with visual impairments.

11 29. "Voc. Ed." means career and technical education and vocational
12 education programs, as defined in section 15-781.

13 Sec. 2. Section 15-2002, Arizona Revised Statutes, is amended to read:
14 15-2002. Powers and duties; executive director; staffing;
15 report

16 A. The school facilities board shall:

17 1. Make assessments of school facilities and equipment deficiencies
18 pursuant to section 15-2021 and approve the distribution of grants as
19 appropriate.

20 2. Develop a database for administering the building renewal formula
21 prescribed in section 15-2031 and administer the distribution of monies to
22 school districts for building renewal.

23 3. Inspect school buildings at least once every five years to ensure
24 compliance with the building adequacy standards prescribed in section 15-2011
25 and routine preventative maintenance guidelines as prescribed in this section
26 with respect to construction of new buildings and maintenance of existing
27 buildings. The school facilities board shall randomly select twenty school
28 districts every thirty months and inspect them pursuant to this paragraph.

29 4. Review and approve student population projections submitted by
30 school districts to determine to what extent school districts are entitled to
31 monies to construct new facilities pursuant to section 15-2041. The board
32 shall make a final determination within six months of the receipt of an
33 application by a school district for monies from the new school facilities
34 fund.

35 5. Certify that plans for new school facilities meet the building
36 adequacy standards prescribed in section 15-2011.

37 6. Develop prototypical elementary and high school designs. The board
38 shall review the design differences between the schools with the highest
39 academic productivity scores and the schools with the lowest academic
40 productivity scores. The board shall also review the results of a valid and
41 reliable survey of parent quality rating in the highest performing schools
42 and the lowest performing schools in this state. The survey of parent
43 quality rating shall be administered by the department of education. The
44 board shall consider the design elements of the schools with the highest
45 academic productivity scores and parent quality ratings in the development of

1 elementary and high school designs. The board shall develop separate school
2 designs for elementary, middle and high schools with varying pupil
3 capacities.

4 7. Develop application forms, reporting forms and procedures to carry
5 out the requirements of this article.

6 8. Review and approve or reject requests submitted by school districts
7 to take actions pursuant to section 15-341, subsection F.

8 9. Submit an annual report by December 15 to the speaker of the house
9 of representatives, the president of the senate, the superintendent of public
10 instruction, the director of the Arizona state library, archives and public
11 records and the governor that includes the following information:

12 (a) A detailed description of the amount of monies distributed by the
13 school facilities board in the previous fiscal year.

14 (b) A list of each capital project that received monies from the
15 school facilities board during the previous fiscal year, a brief description
16 of each project that was funded and a summary of the board's reasons for the
17 distribution of monies for the project.

18 (c) A summary of the findings and conclusions of the building
19 maintenance inspections conducted pursuant to this article during the
20 previous fiscal year.

21 (d) A summary of the findings of common design elements and
22 characteristics of the highest performing schools and the lowest performing
23 schools based on academic productivity including the results of the parent
24 quality rating survey. For the purposes of this ~~paragraph~~ SUBDIVISION,
25 "academic productivity" means academic year advancement per calendar year as
26 measured with student-level data using the statewide nationally standardized
27 norm-referenced achievement test.

28 10. By December 1 of each year, report to the joint committee on
29 capital review the amounts necessary to fulfill the requirements of sections
30 15-2021, 15-2022, 15-2031 and 15-2041 for the following fiscal year and the
31 estimated amounts necessary to fulfill the requirements of sections 15-2021,
32 15-2022, 15-2031 and 15-2041 for the fiscal year following the next fiscal
33 year. The board shall provide copies of the report to the president of the
34 senate, the speaker of the house of representatives and the governor.

35 11. Adopt minimum school facility adequacy guidelines to provide the
36 minimum quality and quantity of school buildings and the facilities and
37 equipment necessary and appropriate to enable pupils to achieve the
38 educational goals of the Arizona state schools for the deaf and the
39 blind. The school facilities board shall establish minimum school facility
40 adequacy guidelines applicable to the Arizona state schools for the deaf and
41 the blind by December 31, 2000.

42 12. Beginning August 15, 2004, and each even-numbered year thereafter,
43 report to the joint committee on capital review the amounts necessary to
44 fulfill the requirements of sections 15-2031 and 15-2041 for the Arizona
45 state schools for the deaf and the blind for the following two fiscal years.

1 The Arizona state schools for the deaf and the blind shall incorporate the
2 findings of the report in any request for building renewal monies and new
3 school facilities monies. Any monies provided to the Arizona state schools
4 for the deaf and the blind for building renewal and for new school facilities
5 are subject to legislative appropriation.

6 13. By October 15 of each year, submit information regarding
7 demographic assumptions, a proposed construction schedule and new school
8 construction cost estimates for the following fiscal year to the joint
9 committee on capital review for its review.

10 14. Every two years, provide school districts with information on
11 improving and maintaining the indoor environmental quality in school
12 buildings.

13 B. The school facilities board may contract for private services in
14 compliance with the procurement practices prescribed in title 41, chapter 23.

15 C. The governor shall appoint an executive director of the school
16 facilities board pursuant to section 38-211. The executive director is
17 eligible to receive compensation as determined pursuant to section 38-611 and
18 may hire and fire necessary staff as approved by the legislature in the
19 budget. The executive director shall have demonstrated competency in school
20 finance, facilities design or facilities management, either in private
21 business or government service. The executive director serves at the
22 pleasure of the governor. The staff of the school facilities board is exempt
23 from title 41, chapter 4, articles 5 and 6. The executive director:

24 1. Shall analyze applications for monies submitted to the board by
25 school districts.

26 2. Shall assist the board in developing forms and procedures for the
27 distribution and review of applications and the distribution of monies to
28 school districts.

29 3. May review or audit, or both, the expenditure of monies by a school
30 district for deficiencies corrections, building renewal and new school
31 facilities.

32 4. Shall assist the board in the preparation of the board's annual
33 report.

34 5. Shall research and provide reports on issues of general interest to
35 the board.

36 6. May aid school districts in the development of reasonable and
37 cost-effective school designs in order to avoid statewide duplicated efforts
38 and unwarranted expenditures in the area of school design.

39 7. May assist school districts in facilitating the development of
40 multijurisdictional facilities.

41 8. Shall assist the board in any other appropriate matter or method as
42 directed by the members of the board.

43 9. Shall establish procedures to ensure compliance with the notice and
44 hearing requirements prescribed in section 15-905. The notice and hearing
45 procedures adopted by the board shall include the requirement, with respect

1 to the board's consideration of any application filed after July 1, 2001 or
 2 after December 31 of the year in which the property becomes territory in the
 3 vicinity of a military airport or ancillary military facility as defined in
 4 section 28-8461 for monies to fund the construction of new school facilities
 5 proposed to be located in territory in the vicinity of a military airport or
 6 ancillary military facility, that the military airport receive notification
 7 of the application by first class mail at least thirty days before any
 8 hearing concerning the application.

9 10. May expedite any request for funds in which the local match was not
 10 obtained for a project that received preliminary approval by the state board
 11 for school capital facilities.

12 11. Shall expedite any request for funds in which the school district
 13 governing board submits an application that shows an immediate need for a new
 14 school facility.

15 12. Shall make a determination as to administrative completion within
 16 one month after the receipt of an application by a school district for monies
 17 from the new school facilities fund.

18 13. Shall provide technical support to school districts as requested by
 19 school districts in connection with the construction of new school facilities
 20 and the maintenance of existing school facilities.

21 D. When appropriate, the school facilities board shall review and use
 22 the statewide school facilities inventory and needs assessment conducted by
 23 the joint committee on capital review and issued in July, 1995.

24 E. The school facilities board shall contract with one or more private
 25 building inspectors to complete an initial assessment of school facilities
 26 and equipment provided in section 15-2021 and shall inspect each school
 27 building in this state at least once every five years to ensure compliance
 28 with section 15-2011. A copy of the inspection report, together with any
 29 recommendations for building maintenance, shall be provided to the school
 30 facilities board and the governing board of the school district.

31 F. The school facilities board may consider appropriate combinations
 32 of facilities or uses in making assessments of and curing deficiencies
 33 pursuant to subsection A, paragraph 1 of this section and in certifying plans
 34 for new school facilities pursuant to subsection A, paragraph 5 of this
 35 section.

36 G. The board shall not award any monies to fund new facilities that
 37 are financed by class A bonds that are issued by the school district.

38 H. The board shall not distribute monies to a school district for
 39 replacement or repair of facilities if the costs associated with the
 40 replacement or repair are covered by insurance or a performance or payment
 41 bond.

42 I. The board may contract for construction services and materials that
 43 are necessary to correct existing deficiencies in school district facilities
 44 as determined pursuant to section 15-2021. The board may procure the
 45 construction services necessary pursuant to this subsection by any method

1 including construction-manager-at-risk, design-build, design-bid-build or
2 job-order-contracting as provided by title 41, chapter 23. The construction
3 planning and services performed pursuant to this subsection are exempt from
4 section 41-791.01.

5 J. The school facilities board may enter into agreements with school
6 districts to allow school facilities board staff and contractors access to
7 school property for the purposes of performing the construction services
8 necessary pursuant to subsection I of this section.

9 K. By October 1, 2002, each school district shall develop routine
10 preventative maintenance guidelines for its facilities. The guidelines shall
11 be submitted to the school facilities board for review and approval by
12 February 1, 2003. If upon inspection by the school facilities board it is
13 determined that a school district facility was inadequately maintained
14 pursuant to the school district's routine preventative maintenance
15 guidelines, the school district shall use building renewal monies pursuant to
16 section 15-2031, subsection J to return the building to compliance with the
17 school district's routine preventative maintenance guidelines. Once the
18 district is in compliance, it no longer is required to use building renewal
19 monies for preventative maintenance.

20 L. The school facilities board may temporarily transfer monies between
21 the capital reserve fund established by section 15-2003, the deficiencies
22 correction fund established by section 15-2021, the emergency deficiencies
23 correction fund established by section 15-2022, the building renewal fund
24 established by section 15-2031 and the new school facilities fund established
25 by section 15-2041 if all of the following conditions are met:

26 1. The transfer is necessary to avoid a temporary shortfall in the
27 fund into which the monies are transferred.

28 2. The transferred monies are restored to the fund where the monies
29 originated as soon as practicable after the temporary shortfall in the other
30 fund has been addressed.

31 3. The school facilities board reports to the joint committee on
32 capital review the amount of and the reason for any monies transferred.

33 M. THE SCHOOL FACILITIES BOARD SHALL NOT REQUIRE A COMMON SCHOOL
34 DISTRICT THAT PROVIDES INSTRUCTION TO PUPILS IN GRADE NINE TO OBTAIN APPROVAL
35 FROM THE SCHOOL FACILITIES BOARD TO RECONFIGURE SCHOOL FACILITIES IN THE
36 SCHOOL DISTRICT. A COMMON SCHOOL DISTRICT THAT PROVIDES INSTRUCTION TO
37 PUPILS IN GRADE NINE IS NOT ENTITLED TO ADDITIONAL MONIES FROM THE SCHOOL
38 FACILITIES BOARD FOR FACILITIES TO EDUCATE PUPILS IN GRADE NINE.